

Ordinance No.: 5589

AN ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010, AND BY SHELBY COUNTY AUGUST 9, 2010, AS AMENDED, TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE LAND USE CONTROL BOARD.

WHEREAS, By the provisions of chapter 165 of the Private Acts of the General Assembly of the State of Tennessee for the year 1921, authority was conferred upon the legislative body of the City of Memphis, Tennessee, to establish districts or zones within the corporate territory of the City of Memphis and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 613 of the Private Acts of the General Assembly of the State of Tennessee for the year 1931, the legislative bodies of the City of Memphis and the County of Shelby were given authority to establish districts or zones within the territory in Shelby County, Tennessee, outside of, but within five miles of the corporate limits of the City of Memphis, Tennessee, and to establish zoning regulations pertaining thereto, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, By the provisions of chapter 625 of the Private Acts of the General Assembly of the State of Tennessee for the year 1935, authority was conferred upon the legislative body of the County of Shelby, to establish districts or zones within the unincorporated territory of Shelby County and outside the five-mile zone of the corporate limits of the City of Memphis, Tennessee, and to amend said zones or districts and zoning regulations pertaining thereto from time to time; and

WHEREAS, by the provisions of chapter 470 of the Private Acts of 1967, the General Assembly of the State of Tennessee conferred upon the legislative body of Shelby County the authority to regulate the subdivision or resubdivision of land into two or more parts; and

WHEREAS, the Unified Development Code was adopted by the city of Memphis on August 10, 2010, and by Shelby County on August 9, 2010, as a the new regulations for zoning and subdivisions in the city of Memphis and unincorporated Shelby County; and

WHEREAS, due to a Memphis City Council resolution passed on May 5, 2015, the Office of Planning & Development conducted a review of former Subdivision Regulation Section 403.1D, entitled "General Suitability" not carried over into the UDC; and

WHEREAS, The Unified Development Code should reintroduce language that was in the former Memphis and Shelby County Subdivision Regulations to clarify the approval criteria for major subdivisions as presented by the Memphis and Shelby County Office of Planning and Development; and

WHEREAS, The Memphis and Shelby County Land Use Control Board approved these amendments at its May 14, 2015 session;

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NOW, THEREFORE, BE IT ORDAINED, By the City Council that the City of Memphis that Joint Ordinance No. 5367, is hereby amended as follows:

SECTION 1, CASE NO. ZTA 15-001. That Sec. 9.7.7H of the Memphis and Shelby County Unified Development Code be hereby amended as reflected on Appendix A, attached hereto.

SECTION 2. This shall only apply within the corporate limits of the City of Memphis.

SECTION 3. That the various sections, words, and clauses of this Joint Ordinance are severable, and any part declared or found unlawful may be elided without affecting the lawfulness or the remaining portions.

SECTION 4. That this Ordinance shall take effect from and after the date it shall have been enacted according to due process of law, and thereafter shall be treated as in full force and effect in the jurisdictions subject to the above-mentioned Ordinance by virtue of the passage by the Council of the City of Memphis.

BE IT FURTHER ORDAINED, That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

BE IT FURTHER ORDAINED, That this Ordinance shall become effective _____, 2015.

THE FOREGOING ORDINANCE

5589 PASSED

1st Reading 5-19-15

2nd Reading 6-2-15

3rd Reading 6-23-15

Approved _____
Chairman of Council

Date Signed: _____

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 7/9/15

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Sripis
Comptroller

[Signature]
Chairman
Myron Lowery